

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

**T.R. WORLD GYM- IP, LLC and T.R.  
WORLD GYM, LLC  
113 Crosby Road  
Dover NH 03820**

**Plaintiff,**

**v.**

**JAMES WOOLARD,  
FITNESS SYSTEMS OF P.B. GARDENS,  
INC., FITNESS SYSTEMS OF DELRAY,  
INC., FITNESS SYSTEMS OF EAST  
BOCA/DELRAY, INC., FITNESS  
SYSTEMS OF BOCA, INC., FITNESS  
SYSTEMS OF POMPAÑO, INC., FITNESS  
SYSTEMS OF GREAT VALLEY, INC.,  
DOES 1-99**

**Defendants.**

**Case No 1:07-cv-00167-JM**

**AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE**

**WHEREAS**, Plaintiffs T.R. World Gym-IP, LLC and T.R. World Gym, LLC are New Hampshire Limited Liability Companies having a principal place of business at 113 Crosby Road, Dover, New Hampshire 03820 (TRW);

**WHEREAS**, Defendant James Woolard is an individual residing at c/o Jonathan Bloom, Esq. of Bloom, Ballen & Freeling, located at 2295 NW Corporate Blvd., Suite 117, Boca Raton, Florida 3341 and Defendants Fitness Systems of P.B. Gardens, Inc. of 4430 Northlake Blvd, Palm Beach Gardens, Florida 33410; Fitness Systems of East Boca/Delray, Inc. of 3155 S. Federal Hwy, Delray Beach, Florida 33444; Fitness Systems of Pompano, Inc. of 401 S. Federal Drive, Pompano Beach, Florida 33060; Fitness Systems of Boca, Inc. of 9183 Glades Road, Boca Raton, Florida 33434; Fitness Systems of Delray, Inc. of 14550 S. Military Trail, Delray Beach, Florida 33484; and Fitness Systems of Great Valley, Inc. of 20 Liberty Blvd, Shops of

Great Valley, Malvern, Pennsylvania 19355 are Florida corporations (all hereinafter collectively “Defendants”);

**WHEREAS**, TRW filed an action in this Court alleging that it has rights in the following trademarks:

<b>Trademark</b>	<b>Registration No.</b>	<b>Registration Date</b>
WORLD	U.S. Reg. No. 1,911,887	August 15, 1995
WORLD GYM	U.S. Reg. No. 1,791,584	September 7, 1993
WORLD GYM FITNESS CENTER, plus design	U.S. Reg. No. 1,856,427	September 27, 1994
WORLD GYM, plus design	U.S. Reg. No. 2,499,267	October 23, 2001
WORLD GYM, plus design	U.S. Reg. No. 2,268,311	August 10, 1999
WORLD GYM, plus design	U.S. Reg. No. 1,354,193	August 13, 1985
WORLD GYM, plus design	U.S. Reg. No. 1,783,000	July 20, 1993

all of the foregoing trademarks collectively referred to hereinafter as the “Trademarks;”

**WHEREAS**, the Complaint filed by TRW in this action asserted that the actions of Defendants constituted: (1) trademark infringement under the Lanham Act and the Trademark Law Revision Act of 1988, 15 U.S.C. § 1114(a)(1); (2) trademark dilution under 15 U.S.C. §1125(c)(1); (3) false designation of origin under the Lanham Act and the Trademark Law Revision Act of 1988, 15 U.S.C. § 1125(a); (4) unfair competition in violation of New Hampshire RSA 358-A; and (5) unjust enrichment;

**WHEREAS**, Defendants do not dispute the validity of the Trademarks;

**WHEREAS**, TRW and Defendants agree that settlement of this matter is in the best interest of the parties and the public, and that entry of this Agreed Order, without additional litigation, is the appropriate means of resolving this action;

**WHEREAS**, the parties have entered into a Settlement Stipulation to resolve their differences, of which a copy of the Settlement Stipulation is annexed hereto;

**WHEREAS**, without trial or further adjudication of any issue of fact or law, upon consent of the parties, and upon consideration of the mutual promises herein contained;

**NOW THEREFORE IT IS ORDERED**, adjudged and decreed that this action is dismissed without prejudice against the Defendants and this Court has jurisdiction over the parties and the subject matter of this action.

**IT IS FURTHER ORDERED** that TRW is the owner of the Trademarks and that the Trademarks are valid pursuant to 15 U.S.C. §§ 1065 and 1115(b).

**IT IS FURTHER ORDERED** that U.S. Trademark Registrations Nos. 1911887, 2268311, 1354193, and 1856427 are incontestable under 15 U.S.C. §§1065 and 1115(b).

**IT IS FURTHER ORDERED** that Defendants are permanently enjoined and prohibited from using or otherwise misappropriating directly or indirectly the Trademarks, or any other mark, word, or name, confusingly similar thereto;

**IT IS FURTHER ORDERED** that Defendants shall comply with the terms and provisions of the Settlement Stipulation;

**IT IS FURTHER ORDERED** that this Court retains jurisdiction over this matter for purposes of enforcing this Order.

Dated this <sup>30th</sup> of JULY, 2007.

**SO ORDERED**

/S/ JAMES R. MUIRHEAD

---

The Honorable James Muirhead  
UNITED STATES MAGISTRATE JUDGE